



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

50

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,501	10/16/2001	Rycharde Jeffery Hawkes	1509-226	1484

22429 7590 06/13/2005

LOWE HAUPTMAN GILMAN AND BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300 /310
ALEXANDRIA, VA 22314

EXAMINER

JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,501

Applicant(s)

HAWKES ET AL.

Examiner

Jude J. Jean-Gilles

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/18/2005.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This Action is in regards to the Reply received on 23 March, 2005.

Information Disclosure Statement

1. The references listed on the Information Disclosure Statements submitted on 01/17/2002 and 03/18/2005 have been considered by the examiner (see attached PTO-1449A).

Response to Amendment

2. This action is responsive to the application filed on March 23rd, 2005. Claims 1-18 are pending, of which claims 1, 15, and 16 are independent; new claims 15-18 have been added, and claims 1, 3, and 4 have been amended. Claims 1-18 represent a method and apparatus for a "content provider entity for communication session."

3. Applicant's arguments with respect to claims 1, 3, 4, and 15-18 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground of rejection as explained here below, necessitated by Applicant substantial amendment (*i.e., providing media content to media channels established in respect to a network communication session between endpoint entity and a contact center*) to the claims which significantly affected the scope thereof.

4. The dependent claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated.

Art Unit: 2143

5. Withdrawal of the rejection with respect to claims 3 and 4 requested by applicant's representative is respectfully granted. The foregoing amendments render moot the rejection of claims 3 and 4 under U.S.C. § 112, second paragraph, as being indefinite.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-9, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al (Amin), U.S. Patent No. 6,714,987 B1 in view of Goode et al (Goode), U.S. Patent No. 6,166,730.

Regarding claim 1: Amin et al disclose the invention substantially as claimed. Amin et al teaches a content-provider entity for providing content to media channels established in respect of a network communication session between an endpoint entity and a contact center (fig. 14, items 1-10), the content-provider entity comprising:

an entity manager configured to receive context data about the network communication session between an endpoint entity and a contact center and channel information about the channels established for the network communication session including the media types carried by the channels and channel connection details (*fig.*

Art Unit: 2143

10, item 904; column 17, lines 65-67; column 18, lines 1-29; it is important to note that the role of the connection management which establishes the transport session while providing session context data based on the client request);

a transport subsystem, configured to establish media channel connections from the content-provider entity to a session transport mechanism associated with the network communication session in accordance with the channel information received by the entity manager (*column 14, lines 19-32; column 19, lines 19-62; note that the connection management component is the transport subsystem system that establishes end to end virtual connection or channels*); and

a media subsystem including:

a media handler of appropriate type for each media channel connection established by the transport subsystem, each media handler configured to deliver media content of an associated type from a media source to the corresponding channel connection (*column 29, lines 58-67; column 30, lines 1-7; the location tracking represents the media subsystem which facilitates media handling*);

However Amin is silent on a delivery controller responsive to the context data received by the entity manager and configured to control the selection and delivery of media content through the media handler.

In the same field of endeavor, Goode et al disclose "a controller that controls the selection and modulation process, operating under the control of a DVM (Digital Video Modulator)... and that each DVMs combines the downstream command information produced by the controller" [see Goode et al; column 7, lines 29-36].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Goode et al's teachings of a delivery controller within the media subsystem with the teachings of Amin, for the purpose of improving the ability network "...using the access layer to include distributed IP based functionality and the flexibility to be incorporated into the distributed server...and to maintain the wireless link and mobility services to the mobile station and to handle connection management independent from the hardware..." as stated by Amin in lines 50-60 of column 1. Goode also provides motivation to combine by "providing an interactive information distribution system that utilizes open sessions to provide requested information to between a plurality of set top terminals associated with a common account number or user" in column 2, of lines 18-22. By this rationale **claim 1** is rejected.

Regarding claim 2: The combination Amin-Goode teaches a content-provider entity according to claim 1, further comprising a content library providing media sources of different media type for use by the media handlers [see Goode; column 6, lines 2-16; note that the program information stored in an optical disk constitute the library]. By this rationale **claim 2** is rejected.

Regarding claim 3: The combination Amin-Goode teaches a content-provider entity according to claim 1, wherein said context data comprises an indication of a target subject, the delivery controller using this indication to determine at least an initial content to be delivered on the media channel connections [see Amin; column 19, lines

Art Unit: 2143

22-51; note that the configured local decision point represents the indication of the target object]. By this rationale **claim 3** is rejected.

Regarding claim 4: The combination Amin-Goode teaches a content-provider entity according to claim 1, wherein said context data comprises the identity of a party already joined to the session, the delivery controller using this identity to query a database about that party [see *Amin*; column 10, lines 47-52]. , the delivery controller using the query results to determine at least an initial content to be delivered on the media channel connections [see *Amin*; column 4, lines 4-14, 49-63]. By this rationale **claim 4** is rejected.

Regarding claim 5: The combination Amin-Goode teaches a content-provider entity according to claim 1, wherein the delivery controller is operative to cause content to be simultaneously delivered across multiple channel connections [see *Amin*; column 1, lines 54-60]. By this rationale **claim 5** is rejected.

Regarding claim 6: The combination Amin-Goode teaches a content-provider entity according to claim 1, wherein content delivery is noninteractive with respect to any other entity joined to the communication session, the delivery controller periodically causing new content to be delivered [see *Goode*; column 5, lines 25-29]. By this rationale **claim 6** is rejected.

Regarding claim 7: The combination Amin-Goode teaches a content-provider entity according to claim 1, wherein the content delivered has active components enabling a party joined to the session to provide input regarding what content should be further delivered, said input being received by the content-provider entity and used to

Art Unit: 2143

controlled subsequent content delivery on one or more channels [see *Amin*; column 14, lines 50-63]. By this rationale **claim 7** is rejected.

Regarding claim 8: The combination Amin-Goode further teaches, a content-provider entity according to any one of the preceding claims and a service system for setting up a communication session with an associated transport mechanism allowing the exchange of data [see *Amin*; column 29, 64-67; column 30, lines 1-7], via multiple data transfer channels for different media types, between endpoint entities joined to the session [see *Amin*; column 29, 64-67; column 30, 14-23];

the service system, in setting up a communication session, creating a service-session functional entity for controlling the joining of endpoint entities to the session in accordance with a predetermined service behaviour, and the service-session functional entity being responsible for joining the content-provider entity to the session as required by said service behaviour, this joining involving the sending of said context data and channel information to the content-provider entity [see *Amin*; column 13, 24-40; column 21, lines 64-67]. By this rationale **claim 8** is rejected.

Regarding claim 9: The combination Amin-Goode teaches the combination of claim 8, wherein the service session functional entity is operative to join the content-provider entity to the session during a period when an existing endpoint entity corresponding to an enquiring party awaits the joining of an endpoint entity corresponding to an assistant party [see *Goode*; column 5, lines 10-29; here, the assistant party is the video session manager]. By this rationale **claim 9** is rejected.

Regarding claim 15: The combination Amin-Goode teaches an automaton for providing content to media channels established in respect of a network communication session with an endpoint entity, the automaton [see *Goode*; column 8, lines 8-67] comprising:

a media content handler delivering media content of a particular media type based on a media type of one of the established media channels [see Amin; column 14, lines 4-25; column 29, lines 58-67];

a session transport system arranged to connect the media content handler to a corresponding media channel in accordance with channel information received by the automaton [see Amin; column 14, lines 4-25; column 29, lines 58-67];

a manager system arranged to:

(1) cause the session transport system to connect an appropriate media content handler to a corresponding media channel [see *Amin*; column 14, lines 4-64; column 15, lines 36-67; column 16, lines 1-60], and

(2) cause the media content handler to present selected content an appropriate media channel the manager system responsive to received (a) context data about the network communication session and (b) channel information about media channels established for the network communication session, the channel information including: media type carried by the media channels and channel connection details [see *Amin*; column 14, lines 4-64; column 15, lines 36-67; column 16, lines 1-60; column 29, lines 58-67]. By this rationale **claim 15** is rejected.

Regarding claim 16: The combination Amin-Goode teaches a method for providing content to media channels established in respect of a network communication session between an endpoint entity and a contact center, the method comprising the steps of:

establishing a media channel connection to a session transport mechanism associated with the network communication session responsive to receipt of channel information about media channels established for the network communication session the channel information including the media type carried by the media channels and channel connection details [see *Amin*; column 6, lines 60-67; column 7, lines 1-67; column 14, lines 4-63] and

providing an appropriate media content to a corresponding media channel established, by said establishing step responsive to receipt of context data about the network communication session and based on the channel information [see *Goode*; fig. 10; column 16, lines 60-67; column 17, lines 1-54]. By this rationale **claim 16** is rejected.

Regarding claim 17: The combination Amin-Goode teaches a computer-readable medium storing instructions which, when executed by a processor causes the processor to perform the steps of claim 16 [see *Goode*; fig. 5, item 512; column 12, lines 58-67; column 13, lines 1-20]. By this rationale **claim 17** is rejected.

Regarding claim 18: The combination Amin-Goode teaches a device for performing the steps of claim 16[see *Goode*; fig. 5, item 118]. By this rationale **claim 18** is rejected.

8. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al (U.S. Patent No. 6,714,987 B1) and Goode et al (U.S. Patent No. 6,166,730) in view of Zellner et al (U.S. Patent No. 6,807,564).

Regarding claim 10: The combination Amin-Goode teaches the combination of claim 9. However, both Amin and Goode fail to teach the combination of claim 9 wherein the content-provider entity is automatically caused to leave the communication session upon the assistant party joining the session.

In the same field of endeavor, Zellner et al disclose "*an Internet delivery method whereas, the user need not wait for a free line to speak with an operator at the Emergency Service Center ...*" [see Zellner et al; fig. 8, items 12, 18, and 22; column 19, lines 6-15].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Zellner et al's teachings of causing a representative or assistant to leave the communication session with the teachings of Amin and Goode, for the purpose of improving the ability network "...to enable subscribers to control, in real-time, the presentation of the information, e.g., requested stream can be started, stopped, paused, reversed and fast forward without substantial latency" as stated by Goode in lines 1-5 of column 3.

Regarding claim 11: The combination Amin-Goode teaches the combination of claim 9, wherein upon the assistant party joining the session, the content-provider entity

Art Unit: 2143

remains in the session until explicitly dismissed by a said party [see *Zellner et al*; *fig. 8*, *items 12, 18, and 22*; *column 19, lines 6-15*]. By this rationale **claim 11** is rejected.

Regarding claim 12: The combination Amin-Goode teaches the combination of claim 11, further comprising a transcription entity joined to the session with the content-provider entity to record the content delivered by the latter, the transcription entity being controllable by a said party to play back at least selected portions of the content delivered by the content provider entity [see *Zellner et al*; *column 18, lines 28-38*]. By this rationale **claim 12** is rejected.

Regarding claim 13: The combination Amin-Goode teaches the combination of claim 8, wherein the service-session functional entity comprises a session instance with generic behaviour for adding and removing endpoint entities to the communication session and for recording the endpoint entities currently joined to the communication session, and an associated service instance with service-specific behaviour determining when the session instance is to add and remove endpoint entities [see *Zellner et al*; *column 18, lines 54-67*; *column 19, column 1-19*]. By this rationale **claim 13** is rejected.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al (U.S. Patent No. 6,714,987 B1) and Goode et al (U.S. Patent No. 6,166,730) in view of Lamb et al (U.S. Patent No. 6,747,970).

Regarding claim 14: The combination Amin-Goode teaches the combination of claim 8. However, both Amin and Goode fail to teach the combination of claim 8, wherein the state of connection of the content-provider entity to the transport

Art Unit: 2143

mechanism is signalled to the session-service functional entity by leg messages passed between a leg controller of the entity manager of the content-provider entity and a corresponding leg controller of the service-session functional entity.

In the same field of endeavor, Lamb et al disclose "*an agent receiving the call signaling message indicating a network state of the call leg to telephony equipment within the PSRN. ...*" [see Lamb et al; column 58, lines 5-37].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Lamb et al's teachings of using a session-service to signal a network state with the teachings of Amin and Goode, for the purpose of improving the ability network "...to enable subscribers to control, in real-time, the presentation of the information, e.g., requested stream can be started, stopped, paused, reversed and fast forward without substantial latency" as stated by Goode in lines 1-5 of column 3. By this rationale **claim 14** is rejected.

Response to Arguments

10. Applicant's Request for Reconsideration filed on March 23rd, 2005 has been carefully considered but is not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention.

A. new **claims 15-18** are added to secure the appropriate scope of protection to which the Applicants believe they are entitled.

B. The Amin patent fails to describe a content provider entity for providing content to media channels established in respect of a network communication session between an endpoint entity and a contact center.

C. The Amin patent fails to describe a entity manger as set forth in amended independent claim 1.

D. The Amin patent fails to describe a media subsystem as set forth in amended independent claim 1.

E. The Goode patent does not teach a delivery controller for controlling the selection and delivery of media content .

F. The office action erroneously states that the Amin and Goode references can be combined.

11. As to "Point A", it is the position of the Examiner that the new claims 15-18 fall within the same scope as the existing claims 1-14 and that the Amin and Goode patents teach the limitations of the claims [*see the rejection of claims 15-18 above*].

As to "Point B" it is the position of the Examiner that Amin in detail teaches the limitations of claim 1 and that the content provider entity set forth in claim 1 is disclosed by Amin as explained above [see *Amin*, columns 26-28, scenarios 1-5].

As to "Point C", it is also the position of the Examiner that Amin teaches and endpoint entity and a contact center (ISP service and end-user) and the receipt of a communication session in between as well as channel information for the communication session [see *rejection of claim 1 above*].

As to "Point D", it is also the position of the Examiner that Amin teaches a media subsystem that provides media handler as set forth in claim 1 [see *rejection of claim 1 above*].

As to "Point E", it is also the position of the Examiner that the Goode patent discloses a delivery controller that controls selection and modulation process for a DVM [see Goode et al; column 7, lines 29-36].

As to "Point F", it is also the position of the Examiner that there is sufficient grounds to establish a "prima facie case of obviousness" with an objective reason to combine the patents of Amin and Goode [see Goode, column 2, of lines 18-22; see Amin, column 1, lines 50-60]. Applicant's arguments are deemed moot in view of the above stated new grounds of rejection.

"

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2143

13. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

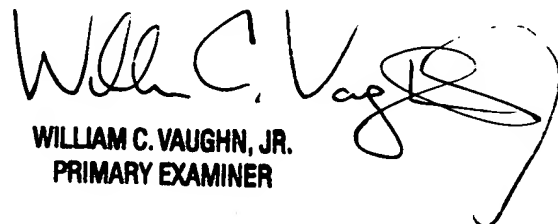
Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG 

June 08, 2005


WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER